

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jason A. Sanders (Reg. No. 59,984) on May 8, 2008.

The application has been amended as follows:

In the Specification on page 5, paragraph 24, insert --“(a) and 4(b)”-- after --“Fig. 4”-- and before --“ shows an example”--.

DETAILED ACTION

1. This action is responsive to papers filed on 3/7/08.

Response to Amendment

2. In response to applicant's amendment received on 3/7/08, all requested changes to the specification and claims have been entered. Claims 1-6, 21, 22, 24-26 and 30-33 have been cancelled.

Allowable Subject Matter

3. Claims 7, 9-20 and 34-40 are allowed.

The following is an examiner's statement of reasons for allowance:

4. As to claim 7, none of the prior art teach or fairly suggest the limitation "wherein the step of classifying, each group including defect candidates which are disposed at corresponding identical locations or adjacent locations on a plurality of sample regions which are disposed at corresponding identical locations or adjacent locations on different product units when overlapping said differential image with differential images of the different sample regions", in combination with the other limitations of the claim. The prior art of Mizuno, already of record, discloses capturing an image of a sample, extracting defect candidates by comparing the image with a reference to create a differential image (Fig. 3, element 11 and column 5, lines 3-40), classifying the defect and identifying the defect. Mizuno does not teach or fairly suggest wherein the step of classifying, each group including defect candidates which are disposed at corresponding identical locations or adjacent locations on a plurality of sample regions which are disposed at corresponding identical locations or adjacent locations on different product units when overlapping said differential image with differential images of the different sample regions, as disclosed in claim 7.

5. Claims 17, 34 and 38 recite similar limitations as claim 7 and are allowed for the same reasons indicated above for claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2001/0033683 to Tanaka et al. discloses defect detection using a differential image and defect classification.

US 2002/0051565 to Hiroi et al. discloses defect detection using a differential image and defect classification.

US 2002/0114506 to Hiroi et al. discloses defect detection using a differential image and defect classification.

US 2003/0076989 to Maayah et al. discloses defect detection using a differential image and defect classification.

US 2003/0203520 to Worster et al. discloses defect detection using a differential image and defect classification.

US 2003/0228045 to Asai et al. discloses defect detection using a differential image and defect classification.

US 2007/0104357 to Worster et al. discloses defect detection using a differential image and defect classification.

US 2007/0131877 to Hiroi et al. discloses defect detection using a differential image and defect classification.

US 2008/0002876 to Hiroi et al. discloses defect detection using a differential image and defect classification.

USPN 5,991,699 to Kulkarni et al. discloses defect detection using a differential image and defect classification.

USPN 6,284,553 to Steffan et al. discloses defect detection using a differential image and defect classification.

USPN 6,456,899 to Gleason et al. discloses defect detection using a differential image and defect classification.

USPN 6,898,305 to Hiroi et al. discloses defect detection using a differential image and defect classification.

USPN 6,987,873 Ben-Porath et al. discloses defect detection using a differential image and defect classification.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON W. CARTER whose telephone number is (571)272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron W Carter/
Primary Examiner, Art Unit 2624